

REMARKS

Claims 2, 4, 6-8, 10-16, and 18-23 are pending in this Application. Applicant has amended claims 2, 4, 6-8, 10, 12-16, and 18-20 to define the claimed invention more particularly. Applicant has added new claims 21-23 to claim additional features of the invention and provide varied protection for the invention. Applicant has cancelled claims 1, 3, 5, and 17. No new matter is added.

Accordingly, with respect to the Amendment filed on April, 10, 2009, in the present Amendment, the new claim 21 recites the subject matter of the previous claim 19 incorporated in the previous independent claim 1, the new claim 22 recites the subject matter of the previous claim 19 incorporated in the previous independent claim 3, the new claim 23 recites the subject matter of the previous claim 19 incorporated in the previous independent claim 5, and claim 19 is rewritten in an independent form.

Claims 1-8 and 10-20 stand rejected under 35 U.S.C. § 101. Claims 1-8 and 10-17 stand rejected under 35 U.S.C. § 112, first paragraph.

Claims 1-8 and 9-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sones (US Patent No. 5,911,003) in view of Shiraiwa (US Patent No. 7,098,944, and hereinafter Shraiwa), and further in view of Garcynski et al. (US Patent No. 6,357,7658, and hereinafter "Garcynski").

Applicant respectfully traverses these rejections in the following discussion.

I. THE 35 U.S.C. 101 REJECTION

In rejecting claims 1-8 and 10-20, the Examiner alleges that the claims do not fall within one of the four statutory categories of invention.

Applicant respectfully submits that the claimed invention is not directed to any computer programs.

That is, the previous claims 1, 2, 10, and 16 (and similarly the current claims 21, 2, 10, and 16) were directed to an apparatus for reproducing image data, the previous claims 3 and 4 (and similarly the current claims 22 and 4) to a solid-state imaging apparatus, and the previous claims 17-20 (and similarly the current claims 18-20) to a digital processor. Further, the newly added independent claim 23 and its dependent claims 6-8 are directed to a digital camera.

Accordingly, the subject matters of all the claims in this Amendment are categorized to

“product invention” and fall with the categories of invention, and therefore comply with the requirements under 35 U.S.C. 101.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

II. THE 35 U.S.C. 112, FIRST PARAGRAPH REJECTION

In rejecting claim 1-8 and 10-17, the Examiner alleges that the claims fail to disclose a practical application for the invention.

Applicant respectfully submits that, as set forth above in section I, all the claims in the present Amendment fall within the categories of invention, and therefore have practical application.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

III. THE PRIOR ART REJECTION

In rejecting claims 1-8 and 9-17 the Examiner alleges that one of ordinary skill in the art would have combined Sones with Shiraiwa and Garcynski to render obvious the claimed invention.

Applicant respectfully submits, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, Sones, Shiraiwa, and Garcynski, either alone or in combination (arguendo) fail to teach or suggest, “*wherein the first color space information includes a standard prescription for a color space proposed by a manufacturer, and the second color space information defines a color space desired by a user of said processor,*” as recited in claim 19, and similarly recited in claims 21-23.

Indeed, the Examiner does not even allege that Sones, Shiraiwa, and Garcynski teach or suggest this feature of the claimed invention (see Office Action at page 4, section 7).

Therefore, Applicant respectfully submits that one with ordinary skill in the art would not have combined Sones with Shiraiwa and Garcynski, and even if combined, the alleged combination does not teach or suggest (or render obvious) each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to reconsider and

withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

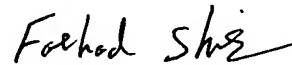
In view of the foregoing, Applicant submits that claims 2, 4, 6-8, 10-16, and 18-23, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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